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4 EQUITY RESIDENTIAL MANAGEMENT,  
5 LLC,  
6 Plaintiff,  
7 v.  
8 LILLIE PARKER, et al.,  
9 Defendants.

10 Case No. [16-cv-02304-EMC](#)

11 **ORDER ADOPTING MAGISTRATE  
12 JUDGE'S REPORT AND  
13 RECOMMENDATION; REMANDING  
14 CASE TO STATE COURT**

15 Docket Nos. 3-5, 7

16 On March 1, 2016, Plaintiff Equity Residential Management, LLC filed the instant  
17 unlawful detainer action against Defendants Lillie Parker, Vernest Parker, and Jamaal Parker.  
18 Docket No. 1 (Not. of Removal) at 5-11. On April 27, 2016, Defendants removed the action to  
federal court, asserting federal question jurisdiction. Defendants also filed motions to proceed *in  
19 forma pauperis*. Docket Nos. 3-5.

20 On May 3, 2016, Judge James issued her report and recommendation, recommending that  
the Court remand the case to state court for lack of jurisdiction. Docket No. 7 (R&R).  
21 Specifically, Judge James found that there was no federal question jurisdiction because the  
complaint asserted only one state law claim for unlawful detainer. *Id.* at 2. Judge James also  
concluded that there was no diversity jurisdiction because the defendants appear to be citizens of  
the state in which the plaintiff originally brought the action, *i.e.*, California. *Id.* at 2-3; *see also* 28  
U.S.C. § 1441(b)(2) (“A civil action otherwise removable solely on the basis of jurisdiction under  
section 1332(a) of this title [*i.e.*, diversity jurisdiction] may not be removed if any of the parties in  
interest properly joined and served as defendants is a citizen of the State in which such action is  
brought”). Furthermore, the amount in controversy was not met because the damages claim is for

1 under \$10,000, well under the jurisdictional requirement of \$75,000. *Id.* at 3; *see also* Cal. Civ.  
2 Proc. § 86(a)(4) (stating that an unlawful detainer is a limited civil action where the “whole  
3 amount of damages claimed” must be “twenty-five thousand (\$25,000) or less”).

4 The R&R was served on Defendants by mail that same day. *See* Docket No. 7-1. The  
5 Court has not since received any objection to the R&R from Defendants. *See* Fed. R. Civ. P.  
6 72(b)(2) (providing that “[w]ithin 14 days after being served with a copy of the recommended  
7 disposition, a party may serve and file specific written objections to the proposed findings and  
8 recommendation.”). Plaintiff has filed a statement of non-opposition to the R&R. Docket No. 10.

9 The Court has reviewed Judge James’s report and recommendation; finds it correct, well-  
10 reasoned, and thorough, and therefore adopts it in every respect. Hence, the Court now **ADOPTS**  
11 Judge James’s well-reasoned report and recommendation, and **REMANDS** the instant case to the  
12 Superior Court of Alameda County. Defendants’ motions to proceed *in forma pauperis* are  
13 **DENIED** as moot. The Clerk of the Court is instructed to close the case.

14 This order disposes of Docket Nos. 3-5 and 7.

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16 **IT IS SO ORDERED.**

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18 Dated: May 24, 2016



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20 EDWARD M. CHEN  
21 United States District Judge  
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